

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

US FOODS, INC., a Delaware corporation,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:23-cv-04790
)	
BOSTON MARKET CORPORATION, a)	Hon. Manish S. Shah
Delaware corporation, ENGAGE BRANDS,)	
LLC, a Delaware limited liability corporation,)	
and JIGNESH N. PANDYA, IV, an)	
individual,)	
)	
Defendants.)	

**MOTION TO CONTINUE CITATIONS TO DISCOVER ASSETS DIRECTED TO
BOSTON MARKET CORPORATION AND ENGAGE BRANDS, LLC**

US Foods, Inc. (“US Foods”), by and through its undersigned counsel, hereby moves this Court for entry of an order continuing the pending citations to discover assets issued to Boston Market Corporation (“Boston Market”) and Engage Brands, LLC (“Engage Brands,” together with Boston Market the “Judgment Debtors”) to and including December 31, 2024. In support of this Motion, US Foods states as follows:

Background

1. On February 2, 2024, this Court entered judgment in favor of US Foods and against Boston Market on Counts I, III, and V of the Complaint (ECF No. 1) in the total amount of \$14,955,175.10, plus post-judgment interest, attorneys, fees, and costs. *See* ECF No. 47.

2. US Foods commenced post-judgment collection proceedings against the defendants, including citations to discover assets directed to the Judgment Debtors issued on March 11, 2024 (the “Citations”).

3. US Foods served the Citations on the Judgment Debtors by personal service upon the Judgment Debtors' registered agents and via certified mail, as is authorized by Ill. Sup. Ct. R. 105 and 277.

4. The Citations required the Judgment Debtors to produce documents responsive to the Citations to US Foods on or before March 29, 2024.

5. The Judgment Debtors did not respond to the Citations by the stated deadline and, as a result, the Court entered an order holding the Judgment Debtors in contempt of court. *See* ECF Nos. 69 and 71.

6. US Foods filed a status report on July 1, 2024 which indicated that the Judgment Debtors still had not complied with their citation obligations. *See* ECF No. 78.

7. On July 2, 2024, the Court entered an order continuing the contempt sanctions continued to accrue and continuing the Citations to September 30, 2024. *See* ECF No. 79.

Request for Relief

8. By this Motion, US Foods requests that the Court enter an order continuing the Citations to and including December 31, 2024.

9. Illinois Supreme Court Rule 277(f) provides that citation proceedings terminate six months after they are commenced, but may be continued and extended as justice requires. Ill. Sup. Ct. R. 277(f).

10. Since the July 2024 status report, the Judgment Debtors still have not produced any documents responsive to the Citations. However, US Foods has recently been in contact with Mr. Pandya, president of Boston Market, about a potential resolution of the Judgment Debtors' obligations under the Citations and potential resolution, in part or in full, of the judgment against the Judgment Debtors.

11. In order to provide time to explore a potential resolution and continue preserving US Foods' rights under the Citations, US Foods requests that the Court continue the Citations to and including December 31, 2024.

12. US Foods reached out to Mr. Pandya, on behalf of the Judgment Debtors, to inquire whether they oppose the relief requested herein. However, in Mr. Pandya's response he did not indicate whether he opposed or consented to the requested relief but, instead, requested copies of the Citations listing the documents sought by US Foods.¹ As of the filing of this Motion, Mr. Pandya has not clarified his position on the Motion.

WHEREFORE, US Foods Inc. respectfully requests that this Court enter: (i) an order continuing the Citations to and including December 31, 2024; and (ii) granting such other and further relief as this Court deems just and proper.

Dated: September 24, 2024

US FOODS, INC.

By: /s/ Elizabeth L. Janczak
One of Its Attorneys

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¹ In addition to being served on the Judgment Debtors, the Citations were previously provided to Mr. Pandya via e-mail on two prior occasions.